



***United States Attorney  
Southern District of New York***

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**LONG ISLAND MAN CONVICTED IN FEDERAL COURT OF  
USING THE INTERNET TO ENTICE MINOR GIRL  
TO ENGAGE IN SEXUAL ACTIVITY**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and PASQUALE D'AMURO, the Assistant Director in Charge of the New York Office of the FBI, announced the conviction today in Manhattan federal court of JOSEPH ZITO, a/k/a "jazliny," for using the internet to attempt to entice a minor to engage in sexual activity. The defendant was convicted following a four-day jury trial before United States District Judge SHIRLEY WOHL KRAM.

The evidence at trial established that ZITO, using the screen name "jazliny," communicated with a special agent of the FBI acting in an undercover capacity and posing as a thirteen-year old girl. ZITO, who was sixty-nine years old at the time, emailed the undercover agent photographs of himself and a lewd photograph of a male penis.

According to the evidence at trial, from on or about March 25, 2004, up to and including March 30, 2004, ZITO indicated during the course of their internet conversations that

he would engage in certain sexual activity with the purported girl, including, but not limited to oral, anal, and vaginal sex. During these instant messaging "chats," ZITO arranged to meet the thirteen-year-old girl at a location in Manhattan on March 30, 2004, for the purpose of engaging in these sexual acts.

The proof at trial showed that, on or about March 26, 2004, ZITO had a recorded telephone call with a person posing as the same thirteen-year old girl he had communicated with over the internet, and ZITO further discussed meeting the minor girl and the sexual acts they would engage in together after they met.

The evidence at trial also showed that, on or about March 30, 2004, at the arranged time and meeting place, ZITO was arrested by FBI agents and in a post-arrest statement, after being advised of, and voluntarily waiving, his Miranda rights, ZITO stated, in sum and substance, among other things, that he had traveled from his home on Long Island to meet a person he believed to be the thirteen-year old minor girl with whom he had previously spoken and communicated over the internet. Furthermore, recovered from ZITO's car, among other things, was a box of condoms and a bottle of herbal supplements labeled "Passion Now."

ZITO, 70, resided in Williston Park, New York. Under the recently enacted PROTECT Act of 2003, ZITO faces a mandatory minimum of five years' imprisonment and a maximum of 30 years'

imprisonment on the enticement count. In addition, this conviction carries a maximum fine of \$250,000 or twice the gross gain or loss resulting from the crime. Judge SHIRLEY WOHL KRAM set a sentencing date of May 18, 2005, at 10:30 a.m.

Mr. KELLEY praised the efforts of the Federal Bureau of Investigation's Crimes Against Children Squad in this case.

Assistant United States Attorneys DAVID S. LEIBOWITZ and MARCUS ASNER are in charge of the prosecution.

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